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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,262	10/11/2000	Abraham S. Farag	04860.P2525X	1362

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Andrew C Chen  
Blakely Sokoloff Taylor & Zafman LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

EXAMINER
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NGUYEN, JENNIFER T

ART UNIT	PAPER NUMBER
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2674

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DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/687,262

Applicant(s)

FARAG ET AL.

Examiner

Jennifer T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 October 2000.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 20 is/are rejected.
- 7) ☒ Claim(s) 17-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

1. This Office Action is responsive to Amendment filed on 01/26/2004.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pejic et al. (U.S. Patent No. 5,956,018) in view of Chiang et al. (U.S. Patent No. 6,469,693) and further in view of Rosenberg (U.S. Patent No. 6,088,019).

Regarding claims 1 and 20, referring to Fig. 1D, Pejic teaches a computer mouse comprising a base member having hold regions (30) and the top member having a main surface configured to leave said hold regions (30) substantially exposed (col. 2, lines 19-20 and col. 5, lines 24-27, and lines 31-34).

Pejic differs from claims 1 and 20 in that he does not specifically teach the top member pivotally coupled to the base member and the top member forms an integral housing and button, and said button is activated when said top member pivots toward said base member. However, referring to Fig. 4, Rosenberg teaches a top member (170) pivotally coupled to a base member (168) (col. 14, lines 1-25) and Chiang teaches top member forms an integral housing and button (see abstract and col. 2, lines 12-15). Therefore, it would have been obvious to one of ordinary

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skill in the art at the time the invention was made to incorporate the top member pivotally coupled to the base member and the top member forms a integral housing and button and said button is activated when said top member pivots toward said base member as taught by Rosenberg and Chiang in the system of Pejic in order to provide more comfortable mouse usage for a variety of users.

Regarding claim 2, the combination of Pejic, Chiang, and Rosenberg teaches the top member does not include a separate button (see abstract and col. 2, lines 12-15 of Chiang).

Regarding claims 3, Pejic further teaches the computer mouse, wherein said hold regions (30) allow said top member to be maintained in a clicked position when the computer mouse is removed from a surface and said hold regions are substantially flush with said main surface of said top member (see figure 1D of Pejic, and lines 1-2 and 10-13 of abstract section).

Regarding claims 4-8, Pejic further teaches the hold regions comprise first and second vertically extending tabs located on opposite sides of the base member and the top member comprises first and second openings shaped to accommodate the first and second vertically extending tabs (see abstract, col. 2, lines 19-20 and col. 5, lines 24-43).

4. Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pejic et al. (U.S. Patent No. 5,956,018) in view of Chiang et al. (U.S. Patent No. 6,469,693).

Regarding claims 9 and 14, referring to Fig. 1D, Pejic teaches a computer mouse comprising a first and second side ear (30) wherein the first and the second side ears are concurrently graspable to lift the computer mouse (col. 2, lines 19-20 and col. 5, lines 24-43).

Pejic differs from claims 9 and 14 in that he does not specifically teach a button of the computer mouse in a depressed position, wherein the button is a top housing of the mouse,

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wherein the housing forms a button that is activated when the housing is depressed. However, Chiang teaches a button of the computer mouse in a depressed position, wherein the button is a top housing of the mouse, wherein the housing forms a button that is activated when the housing is depressed (see abstract and col. 2, lines 12-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the button of the computer mouse in a depressed position, wherein the button is a top housing of the mouse as taught by Chiang in the system of Pejic in order to provide a simple construction, thereby making the assembly easier and faster and easier to clean.

Regarding claims 10-13, Pejic further teaches first and second side ears are substantially rigid and first and second side ears are capable of accommodating a user's thumb and one of a user's other (col. 2, lines 19-20 and col. 5, lines 24-43).

Regarding claims 15 and 16, Pejic further teaches the computer mouse wherein said first and second fixed portions and the depressible housing are capable of being held concurrently to lift the computer mouse off a surface (col. 5, lines 31-34 of Pejic).

5. Claims 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

6. Applicants' arguments filed 01/26/2004, have been fully considered but they are not persuasive because as follows:

In response to applicants' argument filed "the combination of Pejic, Chiang and Rosenberg fails to teach or suggest a limitation of wherein said button is activated when said top

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member pivots toward said base member”. However, Chiang teaches computer mouse (70) includes a top (72) coupled with a bottom, and the top includes a single-piece body (72) having at least one button formed integrally with the single-piece body (72) (Fig. 14) (see abstract). Chiang fail to teach the top member pivots toward the base member. However, referring to Fig. 4, Rosenberg teaches a top member (170) pivotally coupled to a base member (168) (col. 14, lines 1-25). Accordingly, the combination of Chiang and Rosenberg teaches when the user press the single-piece top member, the button which formed integrally with the single-piece body, is activated pivotally to the base. The Applicants’ argument also filed “Pejic teaches away from a combination Chiang or Rosenberg...both references are specifically directed to computer mice”. Examiner disagreed. Pejic teaches an input device has a case configured to be gripped by a right or left hand...the device enables control of a display cursor and input of control commands which correspond to a position of a cursor with a single hand (see abstract). Pejic, Chiang, and Rosenberg teaches the input device interact with computer and control by user. Therefore, the combination is proper.

Therefore, it is believed the limitations of claims 1-16 and 20 are still met by the combination of Pejic, Chiang, and Rosenberg and the rejection is still maintained.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jennifer T. Nguyen** whose telephone number is **703-305-3225**. The examiner can normally be reached on Mon-Fri from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reach at **703-305-4709**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC. 20231

**Or faxed to: 703-872-9306 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, sixth-floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.

JNguyen  
01/25/2004

  
**REGINA LIANG**  
**PRIMARY EXAMINER**